

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00182

BRIAN ELLIS JONES
JASON TODD PAINTER

MEMORANDUM OPINION AND ORDER

Pending before the court are the motions of defendants Brian Ellis Jones and Jason Todd Painter for a continuance of trial and all case related action in this matter. (ECF Nos. 53 and 54.) In support of defendants' motions, counsel for defendants explains that due to the significant amount of discovery in this matter additional time is required to determine if any pre-trial motions will be necessary. The government does not oppose defendants' motion.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendants and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendants' motion to continue. In deciding to grant defendants' motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to May 30, 2024;
2. The Pretrial Motions Hearing is continued to June 11, 2024, at 1:30 p.m. in Charleston;
3. Jury Instructions and Proposed Voir Dire are due by July 2, 2024;
4. Trial of this action is continued to July 9, 2024, at 9:30 a.m. in Charleston; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 26th day of April, 2024.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge